

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- November 12, 1969

Appeal No. 10066 Bonnie Brae Estates, Inc., appellant

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee

On motion duly made, seconded and carried with Mr. Scrivener not voting, the following Order of the Board was entered at the meeting of May 16, 1972.

EFFECTIVE DATE OF ORDER -- June 5, 1972

ORDERED:

That the appeal for further processing of the first stage of construction of the planned unit development under Article 75 of the Zoning Regulations at 6036 Oregon Avenue, N.W., Parcels 63/17, 63/40, 62/100, part of 63/18 and lot 807, Square 2343, be granted.

FINDINGS OF FACT:

1. On May 1, 1968, the applicant presented to the Zoning Commission its request for approval of a planned unit development that would involve construction of 85 townhouses on approximately 17 acres of land at 6036 Oregon Avenue, N. W.

2. On June 9, 1968, the Zoning Commission approved the planned unit development and conditioned its approval on deletion of a 16-car parking lot called for by the plan at the southeast corner of the site; required deletion of five dwelling units; and required that all common land area must be held in a Homes Association organization and permanently retain open space, prohibiting any construction on said common space.

3. Since the approval of the Zoning Commission in June 1968, the owner has prepared a street plan which has received preliminary approval; applied for and received preliminary approval for the removal of 30th Street from the Highway Plan; applied for and received preliminary approval for the closing of the dedicated portion of 30th Street and the dedication of a strip of land along Oregon Avenue for additional right of way; and there is now pending a preliminary plan for street dedication and subdivision of building lots. The applicant

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could not record the subdivision plat until the Board had approved the lot layout for the 13 houses included in this application for further processing.

4. There is some slight modification in the present location of streets and lots from what was submitted originally to the Zoning Commission due to the requirements of the Department of Highways and Traffic with respect to street grades and locations. Such relocation was required by the District of Columbia. The Board having approved the present lot layout, the applicant will be able to complete dedication and subdivision of land and obtain approval of a final drainage plan.

5. The applicant at the public hearing before the Board incorporated by reference the entire files of the Zoning Commission in Zoning Case No. 67-56. Applicant submitted for consideration and the Board has approved under Section 7501.41 of the Zoning Regulations the following:

- a. Typical floor plans and architectural elevations for each of the 13 buildings proposed in Stage 1 on construction.
- b. No roof plans are required in this application for townhouse construction.
- c. The final grading and drainage plan had to await approval of this Board so that the plan of subdivision and dedication could be put to record. When this is accomplished, the applicant will submit the approved grading and drainage plan to the Board for its approval.
- d. The finished site plan has been filed with the Board showing the lots and the buildings thereon. The five houses located on the southern boundary have been relocated eastward, closer to the former 16-car parking compound which has been deleted.
- e. The site plan shows the off-street parking for each dwelling and the location of streets and curb cuts.

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6. Applicant complies with Section 7501.42 of the Zoning Regulations. The land on which the planned unit development is proposed is entirely within the control and ownership of applicant and the Board approves applicant's request that development be staged and the construction plan submitted for Stage 1.

7. Applicant complies with the requirements of Section 7501.43 since it has submitted and the Board has approved the following:

a. The number of buildings has been reduced from 85 to 80 townhouses in accordance with the condition of the Order of the Zoning Commission.

b. The height and lot occupancy remains almost identical with that approved by the Zoning Commission. The gross floor area has been reduced but not in excess of 5%, and the lot occupancy for the entire site has been reduced by about 2½%. The reason for this minor change is that the width of lots and houses varies somewhat in order to provide a variety in architectural detail and planning.

c. "C" is not applicable to this project.

d. All off-street parking spaces, except the 16-car parking compound, approved by the Zoning Commission have been retained in the final plan.

8. The Board approves the applicant's request under Section 7501.44 of the Zoning Regulations for the following:

a. Permission to relocate five houses at the southeast corner of the site because of the deletion of the 16-car parking compound and adverse topography at the middle of the site along the southern boundary.

b. No additional retaining walls, screening or decorative walls are requested other than those shown on the plan submitted to the Zoning Commission.

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c. There will be no signs that require permission of the Board.

9. Applicant complies with Section 7501.45 of the Zoning Regulations. The only provision of this section that is applicable to this project is subparagraph (c). The Board approves the applicants proposal that the natural screening which will be retained to a substantial extent will adequately screen the project. Final drainage plans cannot yet be submitted because there is no approved plat of subdivision. Such a plan will be submitted to the Board at a later date.

10. The Board will retain jurisdiction of this application under Section 7501.49 for further processing as subsequent stages of construction are proposed.

OPINION:

It is the opinion of the Board that the applicant has complied with all the requirements of Section 7501 of the Zoning Regulations, and the Board finds the project to be consistent with the approval of the Zoning Commission.

This Order shall be subject to the following conditions:

a. The Board shall retain jurisdiction over this application for further processing in accordance with the provisions of subparagraph 7501.49.

b. Applicant shall record an appropriate covenant covering the development of the entire project as approved by the Zoning Commission Case No. 67-56 and this appeal.

c. A covenant must be placed on the area to be held in common by the Homes Association to require that those portions of the site be permanently retained in public open spaces and prohibit the construction of any building or structure therein.

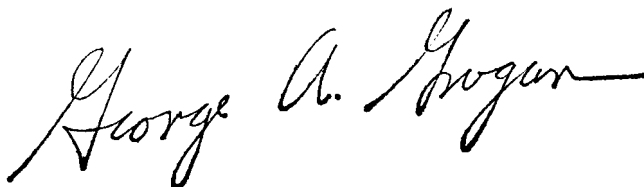
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The Board is cognizant that its rules of procedure at the time of the hearing on this matter did not specifically provide for cross-examination but that there was no specific request for an opportunity to cross-examine made or denied. If any person participating in this proceeding believes that he has been prejudiced by the lack of an opportunity to cross-examine the Board is disposed to entertain a motion to re-open this case to permit cross-examination. Such a motion should be made within fifteen (15) days from the date of this final decision. The motion should identify the witnesses to be cross-examined, as well as that portion of the testimony to be subjected to cross-examination. Specific reference to the transcript of proceedings will be helpful. Copies of the transcript are available for inspection by the public in the Offices of the Zoning Commission, District Building, Room 11A, 14th and E Streets, N. W. between 8:15 a.m. and 4:45 p.m. The motion should be forwarded to the Board in care of this address. The motion should also be served upon all other persons appearing in the proceeding.

Opposition to the motion should be filed and served on all other persons to the proceeding no later than seven (7) calendar days after service of the motion.

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED:



By: _____

GEORGE A. GROGAN
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- November 12, 1969

Appeal No. 10066 Bonnie Brae Estates, Inc., Appellant

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, Appellee

On motion duly made, seconded and carried with Mr. Scrivener not voting, upon canvassing the Board on October 12, 1972, the following Order was entered:

EFFECTIVE DATE OF ORDER - October 12, 1972

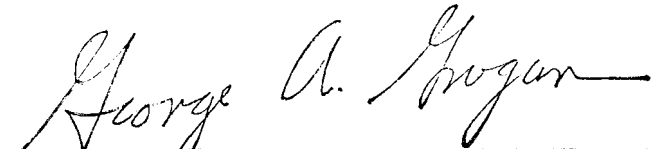
ORDERED:

That the appeal for further processing of the first stage of construction of the planned unit development under Article 75 of the Zoning Regulations at 6036 Oregon Avenue, N.W., Parcels 63/17, 63/40, 62/100, part of 63/18 and lot 807, Square 2343, is hereby amended by adding the following paragraph as subparagraph (a) to paragraph 9 of the Order of the Board:

"The Board approves the applicant's proposed subdivision of lots for Stage One construction as submitted to the Board on October 12, 1972, marked Exhibit #32, by the applicant and Zoning Administrator. Said proposed plat of subdivision is made a part of this record."

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By 

GEORGE A. GROGAN
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.